

Practitioner's Docket No. 17396/09074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: M. Francis Botts, Frank C. Kohn and Maria L. Miller

Application No.: 09/326,014

Group No.: 1616

Filed: June 4, 1999

Examiner: Levy, Neil S.

For: PARTICLES CONTAINING AGRICULTURAL ACTIVE INGREDIENTS

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted:
  - i. Prior to abandonment of the application

ENCLOSURES

3. Enclosed herewith are:

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. **EU530619825US** (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: June 5, 2003

Anna A. Von

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

06/09/2003 AWONDAF1 00000096 09326014

01 FC:1801

750.00 OP

Request for Continued Examination (RCE) (37 C.F.R. § 1.114)--page 1 of 3

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6/20/03

- 1) An amendment; and
- 2) New arguments.

**FEE FOR REQUEST (37 C.F.R. § 1.17(e)).**

4. This application is on behalf of other than small entity.

Continued Prosecution Request Fee: \$750.00

**FEE FOR CLAIMS**

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA				RATE		ADDIT. FEE	
TOTAL	31	—	45	=	0	x	\$ 18.00	=	\$	0.00
INDEP.	3	—	4	=	0	x	\$ 84.00	=	\$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM							+ \$ 280.00	=	\$	0.00
TOTAL ADDIT. FEE									\$	0.00

No additional fee for claims is required.

**EXTENSION OF TIME**

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this is a conditional petition and hereby gives authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e)) \$750.00

Fee(s) for additional claims (Section 1.16(b)-(d))

\$0.00

Total Fee(s) Due:

\$750.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

Check No. 22997 is attached for the sum of \$750.00.

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Account 50-2548.

**INVENTORSHIP**

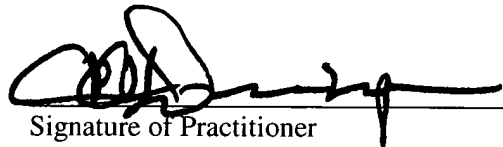
9. This application as amended names as inventors the same inventors as previously designated for the claims.

Date:

June 5, 2003

Reg. No.: 35,124

Tel. No.: 864-250-2238



Signature of Practitioner

Charles E. Dunlap  
Nelson Mullins Riley & Scarborough  
Keenan Building, Third Floor  
1330 Lady Street  
Columbia, SC 29201



Practitioner's Docket No. 17396/09074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: M. Francis Botts, Frank C. Kohn and Maria L. Miller

Application No.: 09/326,014

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Examiner: Levy, Neil S.

For: PARTICLES CONTAINING AGRICULTURAL ACTIVE INGREDIENTS

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**Mail Stop RCE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number **EU530619825US**

Date of Deposit **06/05/2003**

I hereby state that the following *attached* paper or fee

1. Fee Transmittal Sheet (1 page)
2. Request for Continued Examination (3 pages)
3. Response and Amendment (16 pages)
4. Check No. 22997 for \$750.00 (1 sheet)
5. Return Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Anna A. Von

Signature of person mailing paper or fee



# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 750.00

PTO/SB/17 (01-03)  
Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Complete if Known

Application Number 09/326,014  
Filing Date June 4, 1999  
First Named Inventor Botts et al.  
Examiner Name Levy, Neil S.  
Art Unit 1616  
Attorney Docket No. 17396/09074

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## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-2548

Nelson Mullins et al.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	- 3** =	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent				<input type="text"/>	= <input type="text"/>

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	750
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 750.00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type) Charles E. Dunlap  
Registration No. (Attorney/Agent) 35,124  
Telephone 864-250-2238  
Signature [Signature]  
Date June 5, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.